

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

KENN HINTON,

Plaintiff,

v.

Civil Action No. 10-cv-00408

PROVIDENCE DANE, LLC

Defendant

**PLAINTIFF'S COUNSEL'S MOTION TO PERMIT WITHDRAWAL AS COUNSEL  
FOR PLAINTIFF AND MOTION TO SET A NEW DATE FOR THE MOTION TO  
DISMISS HEARING**

NOW COMES Plaintiff's counsel, John Cole Gayle, Jr., of The Consumer Law Group, P.C., for his motion to permit withdrawal as counsel for Plaintiff and his motion to set a new date for the Motion To Dismiss hearing. Counsel for the Plaintiff states as follows:

1. John Cole Gayle, Jr., of The Consumer Law Group, P.C., currently represents Plaintiff in this matter.
2. John Cole Gayle, Jr. and Plaintiff have irreconcilable differences regarding, *inter alia*, proper discovery responses in this matter, that make it impossible for counsel to continue to adequately and effectively represent Plaintiff without the risk a possible violation of Federal Rule of Civil Procedure 11.
3. The Plaintiff himself has asked Plaintiff's counsel to withdraw as his counsel based on initial discovery answers already supplied by Plaintiff's counsel to the Defendant pursuant to FRCP Rule 26 (a), and due to these irreconcilable differences.

4. The Consumer Law Group, P.C. has given notice of the present motion by e-mail and certified mail to Plaintiff at his last known address and has advised Plaintiff that, if this motion is granted, in order to ensure that he receives notice of any action in this matter that he should retain substitute counsel and have them file a substitute appearance, or file with the Clerk of Court his own supplementary appearance stating an address at which service of notice or other papers may be served upon him.

5. The Plaintiff has requested counsel to advise the Court and the Defendant that all future correspondences, emails, or communications of any kind be directed to him at the following address:

**Kenn Hinton, Plaintiff**  
**2200 Wilson Blvd., Suite 102-004**  
**Arlington, VA 22201-3397**  
**(Ph): 571-228-4424**  
**(Email): kennhinton@aol.com**

6. No trial date is set, although a Motion To Dismiss hearing is set for October 1, 2010.

6. Counsel for the Defendant does not oppose these motions.

7. These motions have been brought at the first possible moment and have not been brought for purposes of delay.

WHEREFORE, in light of the fact that the Plaintiff, Plaintiff's counsel, and opposing counsel agree to the withdrawal, and in order to give Plaintiff time to obtain new counsel for the hearing on the Motion To Dismiss, counsel for the Plaintiff respectfully request that this Honorable Court enter an order granting The Consumer Law Group, P.C. leave to withdraw as counsel for Plaintiff in this matter, effective immediately and setting the date for the Motion to Dismiss at a later date to be decided between the parties.

**Respectfully submitted,**

**KENN HINTON**

\_\_\_\_\_  
/s/ John Cole Gayle, Jr.

Counsel for Plaintiff

John Cole Gayle, Jr.

VSb No. 018833

The Consumer Law Group, P.C.

5905 West Broad Street, Suite 303

Richmond, Virginia 23230

(804) 282-7900

(804) 673-0316 fax

[jgayle@theconsumerlawgroup.com](mailto:jgayle@theconsumerlawgroup.com)

Counsel for Plaintiff

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of September, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

David Ashe, Esquire  
Providence Dane, LLC  
100 Constitution Drive, Suite 124  
Virginia Beach, VA 23462  
[david.ashe@providencedane.com](mailto:david.ashe@providencedane.com)

and it is certified that on September 27th, 2010 this Motion was e-mailed and mailed via certified mail to:

Kenn Hinton  
2200 Wilson Blvd., Ste. 102 – 004  
Arlington, VA 22201-4424

\_\_\_\_\_  
/s/ John Cole Gayle, Jr.